



City of Nashua
Planning Department
229 Main Street
Nashua, New Hampshire 03061-2019

Planning & Zoning 589-3090
WEB www.nashuanh.gov

VARIANCE APPLICATION (ZBA)

PLEASE NOTE: INCOMPLETE OR ILLEGIBLE APPLICATIONS WILL NOT BE ACCEPTED

I. VARIANCE INFORMATION

1. ADDRESS OF REQUEST 25 Hunt Street

Zoning District R-B Sheet 102 Lot 30

2. VARIANCE(S) REQUESTED:

Proposed subdivision of one lot into two, with each lot requiring lot size and lot width variances per Nashua LUC 190-16; 5000 sf lot size per lot where 6,000 sf required; 50' lot width where 60' required

II. GENERAL INFORMATION

1. **APPLICANT / OPTIONEE** (List both individual name and corporate name if applicable)

(Print Name): William J. Vase, Jr. and Katherine Vase

Applicant's signature [Signature] Katherine Vase Date 12/9/21

Applicant's address 80 Blood Street, Pepperell, MA 01463

Telephone number H: 603-883-8900 C: E-mail: aprolman@prunierlaw.com

2. **PROPERTY OWNER (Print Name):** William J. Vase, Jr. and Katherine Vase

*Owner's signature [Signature] Katherine Vase Date 12/9/21

Owner's address 80 Blood Street, Pepperell, MA 01463

Telephone number H: 603-883-8900 C: E-mail: aprolman@prunierlaw.com

*Agents and/or option holders must supply written authorization to submit on behalf of owner(s).

OFFICE USE ONLY

Date Received

12/13/21

Date of hearing

1/11/22

Application checked for completeness:

CP

21-0299

Board Action

\$ application fee ☐

Date Paid

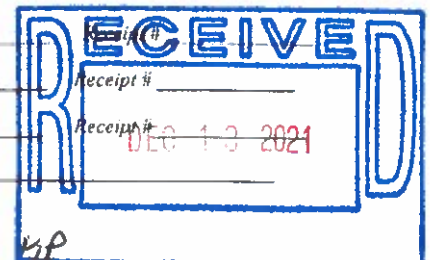
\$ signage fee ☐

Date Paid

\$ certified mailing fee ☐

Date Paid

Land Use Code Section(s) Requesting Variances From:



III. PURPOSE OF REQUEST

Answer all questions below. Provide as much information as available to give the ZBA the necessary facts to review your case. Attach additional sheets if necessary. See "Procedures for Filing a Variance" for further information.

1. **Granting of the requested variance will not be contrary to the public interest, because:** (The proposed use must not conflict with the explicit or implicit purpose of the ordinance, and it must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

Please see attached

2. **The proposed use will observe the spirit of the ordinance, because:** (The proposed use must not conflict with the explicit or implicit purpose of the ordinance and must not alter the essential character of the neighborhood, threaten public health, safety, or welfare, or otherwise injure "public rights.")

Please see attached

3. **Substantial justice would be done to the property-owner by granting the variance, because:** (The benefits to the applicant must not be outweighed by harm to the general public or to other individuals.)

Please see attached

4. **The proposed use will not diminish the values of surrounding properties, because:** (The Board will consider expert testimony but also may consider other evidence of the effect on property values, including personal knowledge of the members themselves.)

Please see attached

5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because: (The applicant must establish that because of the special conditions of the property in question, the restriction applied to the property by the ordinance does not serve the purpose of the restriction in a "fair and reasonable" way. Also, you must establish that the special conditions of the property cause the proposed use to be reasonable. The use must not alter the essential character of the neighborhood. Alternatively, you can establish that, because of the special conditions of the property, there is no reasonable use that can be made of the property that would be permitted under the ordinance. If there is any reasonable use (including an existing use) that is permitted under the ordinance, this alternative is not available.

Please see attached

IV. USE VARIANCE ADDITIONAL INFORMATION

Please answer all questions below that are applicable. Your answers to these questions will allow staff to better understand your request.

- a. Total number of employees Number of employees per shift
 b. Hours and days of operation
 c. Number of daily and weekly visits to the premises by customers, clients, vendors and solicitors
 d. Number of daily and weekly commercial deliveries to the premises
 e. Number of parking spaces available
 f. Describe your general business operations:

- g. Describe any proposed site renovations, including, but not limited to – landscaping, lighting, pavement, structural changes, signage, access and circulation:

I hereby acknowledge that I have read this application and state that the above is correct and agree to comply with all the city ordinances and state laws regulating construction. I understand that only those points specifically mentioned are affected by action taken on this appeal.



Signature of Applicant

Katherine Vasel

12/9/21

Date

William J. Vasel

Print Name

Katherine Vasel

12/9/21

Date

The staff report for a Use Variance request will be available no later than Friday of the week before the ZBA meeting. If you would like a copy, please indicate below:

☐ I will pick it up at City Hall

☐ Please email it to me at

☐ Please mail it to me at

III. PURPOSE OF REQUEST

1. Granting of the requested variance will not be contrary to the public interest, because:

The proposed lots will fit the character of the neighborhood, which is a mix of small city lots with single and multi-family uses. There is no threat to public health, safety or welfare with the two lot subdivision.

2. The proposed use will observe the spirit of the ordinance, because:

We seek de minimus relief: 1000 square feet for each lot and 10 feet in width. There is sufficient space on each lot for a house and yard in keeping with the character of the neighborhood.

3. Substantial justice would be done to the property-owner by granting the variance, because:

There is no harm to the general public nor to the Hunt/Nagle/Dexter Street neighborhood. At the same time, the owners will benefit from the proposed subdivision, and add to the much needed housing stock in the City.

4. The proposed use will not diminish the values of surrounding properties, because:

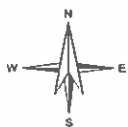
New construction on Lot 30-1 tends to support the value of neighboring homes. The relief requested will not diminish the value of surrounding properties.

5. Special conditions exist such that literal enforcement of the ordinance results in unnecessary hardship, because:

The existing lot is exactly 10,000 square feet. Rather than having one lot of the proposed subdivision conform and the other non-conforming, we submit the proposed evenly divided lot makes more sense. There is no fair and substantial relationship between the general purposes of the lot size and width requirements and the application of those ordinances to the proposed lots. The use is reasonable because single-family houses are a permitted use in the RB District. The proposal maintains the essential character of the neighborhood.

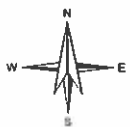


25 Hunt St





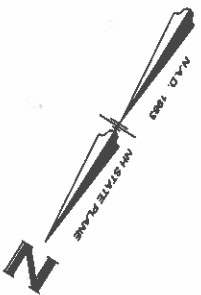
25 Hunt St





25 Hunt St



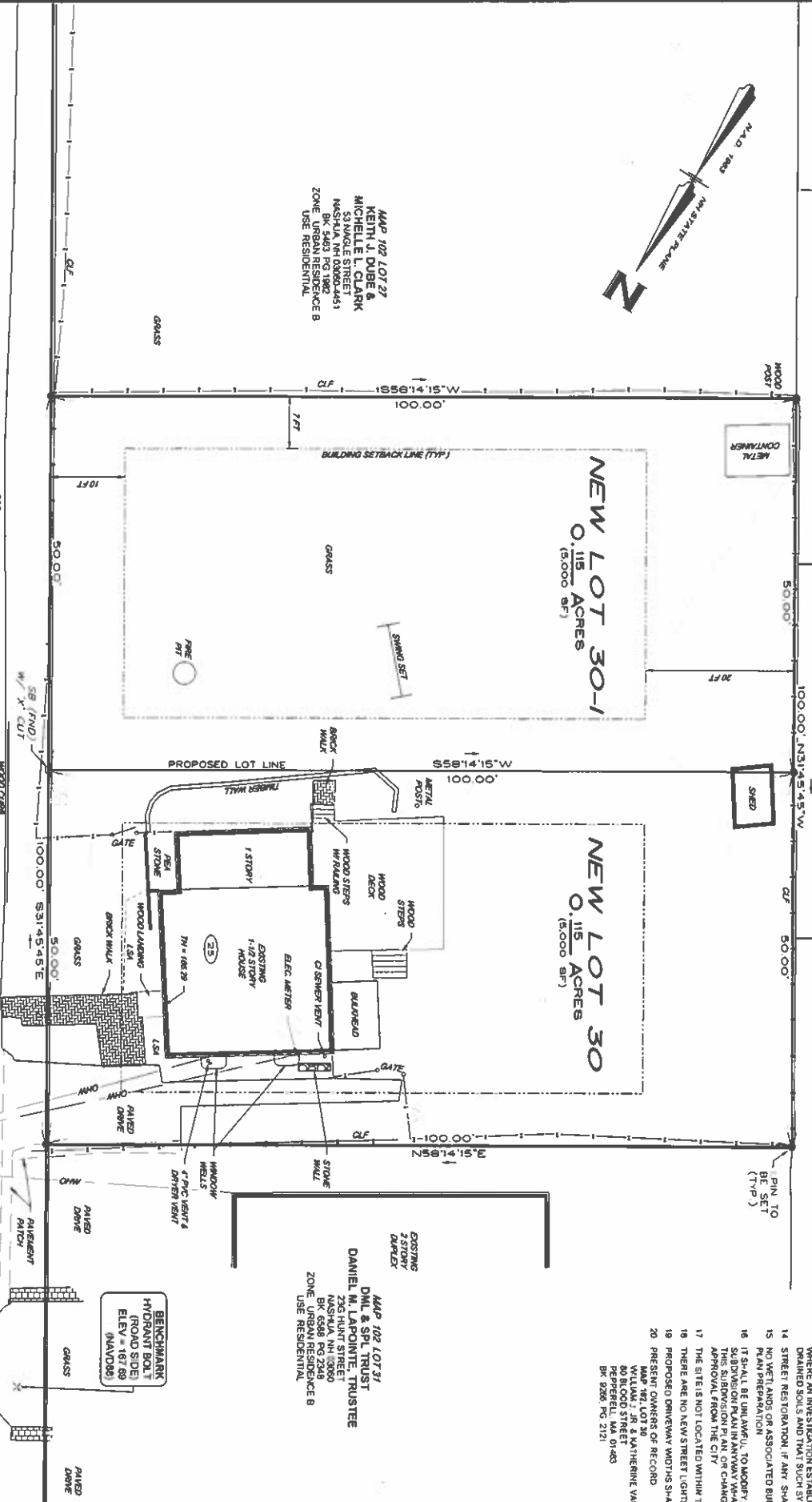


MAP 102 LOT 63
DEBORAH V. HANSEN
31 HUNT STREET
NASHUA, NH 03060
BR 6311 PG 182
ZONE: URBAN RESIDENCE B
USE: RESIDENTIAL

MAP 102 LOT 62
DEBORAH V. HANSEN
31 HUNT STREET
NASHUA, NH 03060
BR 6311 PG 182
ZONE: URBAN RESIDENCE B
USE: RESIDENTIAL

MAP 102 LOT 60
JARA J. & ALFREDO GUTIERREZ
25 HUNT STREET
NASHUA, NH 03060
BR 6888 PG 140
ZONE: URBAN RESIDENCE B
USE: RESIDENTIAL

MAP 102 LOT 27
KEITH J. DUBE &
MICHELLE L. CLARK
53 WAGLE STREET
NASHUA, NH 03060
BR 6443 PG 280
ZONE: URBAN RESIDENCE B
USE: RESIDENTIAL



- NOTES - CONTD:**
1. PRIOR TO A BUILDING PERMIT BEING ISSUED, BONDING FOR ALL PUBLIC IMPROVEMENTS SHALL BE SUBMITTED TO AND APPROVED BY THE ENGINEERING DEPARTMENT AND A CONSTRUCTION COUNSEL.
 2. PRIOR TO THE RECORDING OF THE PLAN, DOCUMENTS PERTAINING TO THE STORMWATER FUTURE BUILDING CONSTRUCTION SHALL BE SUBMITTED TO THE CONSTRUCTION DEPARTMENT FOR REVIEW.
 3. WHERE AN INVESTIGATION ESTABLISHES THAT SPECIFIC BUILDING SITES ARE LOCATED IN WELL DRAINED SOILS AND THAT SUCH SYSTEMS ARE NOT REQUIRED.
 4. STREET RESTORATION IF ANY SHALL BE IN ACCORDANCE WITH HRO SECTION 265.13.
 5. NO WETLANDS OR ASSOCIATED BUFFERS AFFECTING THE PROPERTY WERE OBSERVED DURING PLAN PREPARATION.
 6. IT SHALL BE UNLAWFUL TO MODIFY, CHANGE OR ALTER ANY STRUCTURE SHOWN ON THIS SUBDIVISION PLAN IN ANYWAY WHATSOEVER, OR CONVERT OR ALTER ANY STRUCTURE SHOWN ON THIS SUBDIVISION PLAN OR OF CHANGE THE ABOVE USE INDICATED ON THE PLAN WITHOUT RECEIVING APPROVAL FROM THE CITY.
 7. THE SITE IS NOT LOCATED WITHIN THE WATER SUPPLY PROTECTION DISTRICT.
 8. THERE ARE NO NEW STREET LIGHTS PROPOSED WITH THIS PLAN.
 9. PROPOSED DRIVEWAY WIDTHS SHALL NOT EXCEED 24 FEET AT RIGHT OF WAY.
 10. PRESENT OWNERS OF RECORD.
 11. MAP 102 LOT 30 KATHERINE VASEL, PEPPERELL, MA 01463, BR 6286 PG 2121.

MAP 102 LOT 31
DANIEL M. LAPINTE, TRUSTEE
235 HUNT STREET
NASHUA, NH 03060
BR 6388 PG 248
ZONE: URBAN RESIDENCE B
USE: RESIDENTIAL

BENCHMARK
HYDRAULIC BOLT
(ROUND SIDE)
ELEV. = 167.69
(MAY 2008)

HUNT STREET
(CLASS V PUBLIC WAY)

MAP 102 LOT 25
26 HUNT, LLC
17 MARSHALL STREET
NASHUA, NH 03060
BR 6311 PG 182
ZONE: URBAN RESIDENCE B
USE: RESIDENTIAL

MAP 102 LOT 24
ROBERT A. & DEBORAH A. AUBUT
24 HUNT STREET
NASHUA, NH 03060
BR 6311 PG 182
ZONE: URBAN RESIDENCE B
USE: RESIDENTIAL

LEGEND

- S9 STONE BOUND FOUND
- IRON PIN TO BE SET
- BUILDING SETBACK LINE
- CHAIN LINK FENCE
- EDGE OF PAVEMENT
- VERTICAL GRANITE CURB
- WOOD CURB
- STREET ADDRESS
- STREET LIGHT ON POLE
- UTILITY POLE WITH GUY POLE
- OVERHEAD ELECTRIC & TELEPHONE
- HYDRANT
- WATER GATE VALVE
- SEWER MANHOLE
- STUMP



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1-888-344-2253

UTILITY NOTE

THE UNDERGROUND UTILITIES DEPICTED HEREON HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND PLOTTED FROM EXISTING UNDERGROUND UTILITY RECORDS. THE INFORMATION IS PROVIDED FOR INFORMATION ONLY AND IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.

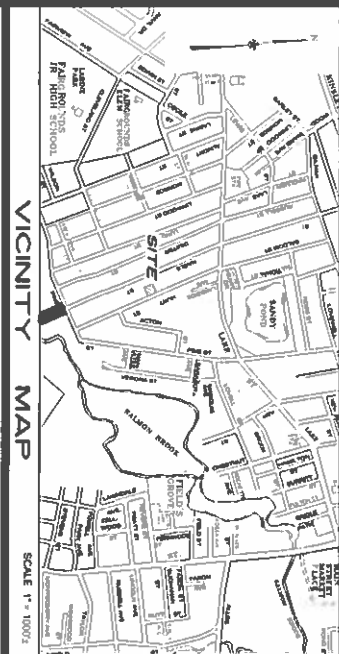
ZONING NOTE

THE ZONING REGULATIONS SET FORTH ON THIS PLAN ARE THOSE OF THE NASHUA CITY PLANNING BOARD. THE FINAL INTERPRETATION OF THE ZONING REGULATIONS SHALL BE THE RESPONSIBILITY OF THE NASHUA CITY PLANNING BOARD. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES.

CERTIFICATION

I HEREBY CERTIFY TO MY KNOWLEDGE, INFORMATION AND BELIEF THAT THIS PLAN SHOWS THE RESULTS OF AN ON THE GROUND STANDARD PROPERTY SURVEY AND THAT SAID SURVEY MEETS THE MINIMUM PRECISION AND/OR ACCURACY REQUIREMENTS FOR SURVEY CLASSIFICATION "U" (URBAN) AS SET FORTH IN TABLE 900.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSES FOR LAND SURVEYORS ADOPTED 06/23/01, EFFECTIVE 01/01/09.

WILLIAM J. VASEL, JR.	DATE
KATHERINE VASEL	DATE



PLAN REFERENCES:

1. PART OF THE JOHN HALL FARM OWNED BY GEO. W. MORRISON AND OTHERS, NOVEMBER 1880, BY J.L. FRIZ SURVEYOR, RECORDED H&D PLAN NO. 2124.
2. HILLSBOROUGH RECORDS, RECEIVED JUNE 28, 1887, RECORDED VOL. 488 PAGE 400, RECORDED H&D PLAN NO. 2243.
3. RELOCATION OF LOT LINES, LOTS 86, 87, 209 WAGLE STREET FOR LEON THROTTER, DATED MAR. 1875, BY A.E. MAYNARD CIVIL ENGINEER, RECORDED H&D PLAN NO. 6234.

NOTES:

1. SITE AREA PRIOR TO SUBDIVISION: 0.230 ACRES (16,000 SF).
2. ZONING DISTRICT: URBAN RESIDENCE (R-4).
3. MINIMUM LOT REQUIREMENTS:
 - MIN. LOT SIZE: 6,000 SF
 - MIN. LOT FRONTAGE: 40 FT
 - MIN. LOT DEPTH: 75 FT
4. MINIMUM YARD SETBACK REQUIREMENTS:
 - FRONT: 10 FEET
 - REAR: 10 FEET
 - SIDE: 5 FEET
5. MAX. BUILDING HEIGHT: 45 FT (3 STORIES).
6. MAX. FLOOR AREA RATIO: 0.5.
7. LOT NUMBERS REFER TO THE CITY OF NASHUA, NH ASSESSOR'S MAP 102.
8. PURPOSE OF PLANS IS TO SUBDIVIDE LOT 30 INTO TWO (2) RESIDENTIAL LOTS.
9. SUBJECT PARCELS ARE LOCATED IN ZONE "U" AREA OF NASHUA, NH, AS GRAPHICALLY DEPICTED ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR THE CITY OF NASHUA, NEW HAMPSHIRE, COMMUNITY NUMBER 330091, MAP NUMBER 33011C06010, WITH AN EFFECTIVE DATE OF SEPTEMBER 25, 2009.
10. SURVEY CONTROL INFORMATION:
 - ADJACENT TO LOT 25 (NORTH) - MAP 102 LOT 25, KATHERINE VASEL, PEPPERELL, MA 01463, BR 6286 PG 2121.
 - ADJACENT TO LOT 24 (EAST) - MAP 102 LOT 24, ROBERT A. & DEBORAH A. AUBUT, NASHUA, NH 03060, BR 6311 PG 182.
 - ADJACENT TO LOT 27 (SOUTH) - MAP 102 LOT 27, KEITH J. DUBE & MICHELLE L. CLARK, NASHUA, NH 03060, BR 6443 PG 280.
 - ADJACENT TO LOT 31 (WEST) - MAP 102 LOT 31, DANIEL M. LAPINTE, TRUSTEE, NASHUA, NH 03060, BR 6388 PG 248.
11. HORIZONTAL PROJECTION: NAD 83 / NASHUA CITY DATUM.
12. UNITS: US SURVEY FEET.
13. SITE IS SERVED BY MAIN CIPAL SEWER WATER BY PEPPERELL WATER WORKS, AND TELEPHONE, ELECTRIC UTILITIES, NO EVIDENCE OF GAS SERVICE TO LOT WAS FOUND.
14. MONUMENTS, WHEN REQUIRED, TO BE SET BY A LICENSED LAND SURVEYOR AS FOLLOWS:
 - A. IRON PINS, 1/2" DIAMETER, 6" LONG, SET IN CONCRETE.
 - B. IRON PINS, AT LOT CORNERS.
15. THIS SUBDIVISION PACKAGE CONTAINS 2 SHEETS OF WHICH SHEET 1 SHALL BE RECORDED AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS. THE REMAINING SHEETS WILL BE ON FILE AT THE CITY OF NASHUA PLANNING DEPARTMENT.
16. THE APPLICANT SHALL SUBMIT AN ELECTRONIC FILE OF THE SUBDIVISION PLAN (PLOT) PRIOR TO RECORDING OF THE PLAN.

PRELIMINARY
FOR REVIEW ONLY

NO.	DATE	REVISION	BY

SUBDIVISION PLAN
(MAP 102, LOT 30)
25 HUNT STREET
NASHUA, NEW HAMPSHIRE
PREPARED FOR / RECORD OWNER:
**WILLIAM J. JR. &
KATHERINE VASEL**
80 BLOOD STREET
PEPPERELL, MASSACHUSETTS 01463

15 OCTOBER 2021

HSL
Hayner/Swanson, Inc.
Civil Engineers/Land Surveyors
3 Congress Street
Nashua, NH 03060
(603) 883-2057
www.haynerswanson.com

